

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LYNDSEY BURKE,

Plaintiff,

vs.

MISSOURI DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

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Case No. 4:08CV2000 CDP

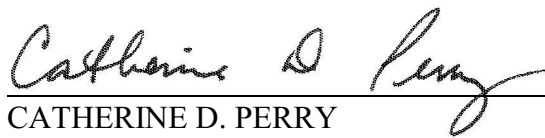
MEMORANDUM AND ORDER

This matter is before me on upon Correctional Medical Services, Inc.'s motion for leave to file its answer out of time. On April 8, 2009, I ordered plaintiff to move for default against this defendant for failure to answer or otherwise respond to the complaint in a timely manner. However, the Clerk of the Court has not yet entered default, and I have not granted default judgment. After careful consideration, I will exercise my discretion and grant defendant leave to file its answer.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for leave to file its answer out of time [#33] is granted.

IT IS FURTHER ORDERED that plaintiff's motion for entry of default [#28] and motion for default judgment [#30] are denied as moot.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 30th day of April, 2009.